

schools and personnel who teach children with ASD. These funds will ensure quality professional development for special education teachers through the use of scientifically based research on the treatment of autism.

With the demand for services grossly outpacing the supply of specially trained teachers and therapists, these provisions are critical to increasing the number of special education teachers qualified to teach children diagnosed with ASD. Expanding access to treatment, especially at an early age, is essential to improving the outcomes for children affected by ASD.

I thank Connie Garner and the entire HELP Committee for their assistance in getting this important language in the bill. I look forward to continuing to work with my colleagues and the autism community to ensure that all children with ASD have access to early intervention by quality teachers trained in providing the most effective treatments.

Mr. President, I also wish to mention a small but important part of this IDEA reauthorization that is crucial to parents of children with disabilities. I have had the privilege of working closely with Maura Collinsgru and the Parent Information Center of New Jersey to ensure the rights of parents to represent their children in due process hearings without an attorney. I am happy to report that S. 1248 includes language clarifying this right so that parents can be effective advocates for their children.

I would like to mention one New Jersey case in particular that highlights the issue of parental rights in due process hearings. In *Collinsgru v. Palmra Board of Education*, Robert and Maura Collinsgru were denied the right to represent their son, Francis Robert and Maura Collinsgru were denied the right to represent their son, Francis Collinsgru, during due process hearings. Far from an isolated case, the decision could have broad implications that could be detrimental to families of children with disabilities.

As we know, parents' access to attorneys is already very limited. Not only are there very few attorneys willing to take IDEA cases, but there are even fewer who actually specialize in IDEA. Moreover, of those attorneys who do specialize in IDEA, most are already overloaded with cases. Finally, the cost of many of these attorneys is prohibitively expensive, especially for parents who are caring for a disabled child. Attorney's fees are an extra cost that they often cannot afford. With so few available attorneys, therefore, it is essential that parents have the right to stand up for their children in court when faced with an injustice in the system.

I would like to take this time to thank Connie Garner for the HELP Committee for her help in getting this language included in the bill. Her efforts have made it possible for parents to retain their right to due process and

help their children receive the services they deserve.

#### LEGISLATIVE COMPROMISE

Mr. REID. One of my favorite stories is a story about David Selznik, the great movie producer. He is the man who produced the movie "Gone With The Wind." As he had made the movie, at that time they had in Hollywood something called the Hays Commission. It was in effect a committee of censorship. They looked at the movie and made a determination that he would have to strike from the movie the words, "Frankly, my dear, I don't give a damn." But Selznik thought that was an important part of his movie and he would not back down. So they were at loggerheads. Would the movie be able to go forward? Because without the Hays Commission stamp of approval, the movie could not go forward. So they made a compromise. They said: We will compromise this. You can go ahead, you can keep those words, "Frankly, my dear, I don't give a damn," but if you keep that in the movie you are going to be assessed a fine of \$15,000, and \$15,000 was a lot of money then, even as it is now. But Selznik agreed to pay that. And that, of course, is one of the most memorable lines in the history of Hollywood.

The reason I mention that is Selznik and the Hays Commission realized that in life there is a time to fight and a time to compromise. The compromise worked out well in this instance.

Compromise, in our business, being legislators, should not be a dirty word. Legislation is the art of compromise, the art of building consensus.

Gerald Ford, whom I met when I was a young Lieutenant Governor and he was Vice President of the United States, was such a nice man. When I did meet him, the first big shot I met, shaking his hand, he sent me an autographed picture. My two little children at the time, when the picture came in, drew all over this picture as if it were a coloring book. But we got the colors off of it as much as we could. It was always smudged. I still have that picture.

Anyway, that is off the subject. But Gerald Ford was so nice—what a nice man. The reason I mention Gerald Ford today is because he said something I believe so strongly. He said, "Compromise is the oil that makes governments go." I believe that. I see the Presiding Officer here—she, on a number of occasions, has been the key person in allowing us to get things done because she has been willing to compromise, in effect, break from the pack and say this is what I need to do.

None of us should compromise our principles, but we should be willing to work together, to seek solutions we can live with for the good of the country. I have been in Congress now more than two decades and I have learned the way you get legislation done in this Congress and in the Senate specifi-

cally is when people work together and are willing to compromise.

I have had the good fortune in the years I have been a legislator to have, on the State level and on the Federal level, legislation I have produced that is now law. But there is not a single piece of legislation I have ever written that is as I wrote it. It has all been changed. That is what you have to do to get things done. If people are—and I use this term, not in the true sense of the word—so principled they are not willing to get anything changed, they are not going to get anything done very often.

I know that to be a legislator you have to be willing to compromise. There are some who say this is not right. Some say you have a majority, you should always be able to get your way. Our Founding Fathers didn't believe that. The majority, you see, doesn't need a Constitution to protect them. The majority can get what they want wherever they are. The Constitution of the United States was written to protect minorities. Our Founding Fathers created a government of checks and balances. They wanted the majority to have power, but not all of it.

That is why, for example, we have an electoral college system. The electoral college system creates some unfairness in the minds of people. The result of the last Presidential election is the person who got fewer votes is now President of the United States. But that is our system and the system is so embedded in our minds and our consciences that following that very bitter election, where there was a dispute in Florida that was decided by the U.S. Supreme Court—following that election, which was decided by the Supreme Court, there wasn't any civil unrest. There were no riots, no tires burned, no windows broken in buildings. It was decided by virtue of the fact that we have a Constitution.

In the electoral college system, the person who gets the most votes doesn't always win. Why? Because we have to take care of small States, States such as Maine and Nevada.

The Senate was also designed to protect the rights of the minority. I was talking to my friend Senator ENZI, the Senator from the State of Wyoming. I said: MIKE, how is Wyoming doing populationwise? Is it growing? He said: No, we still can't break 500,000.

But, you see, MIKE ENZI, from a State that has fewer than 500,000 people, has the same power as a Senator from the State of Nevada which has 2.3 or 2.4 million people. MIKE ENZI has the same power as someone from the State of California which I think has 34 million people, or some large number such as that. MIKE ENZI has the same power as DIANNE FEINSTEIN and BARBARA BOXER by virtue of the fact that we have a constitutional system that gives a Senator that power.

One Senator has tremendous power. We have heard of the famous holds.

You can have something come to the Senate and a Senator can individually call and say, you know, I am not going to let this move. You are not going to get unanimous consent on this. I stop it.

That is why it takes 60 votes, not 51, not 50, not 59—60 votes to cut off debate, a so-called filibuster.

I realize the party I represent has 49 Senators in the Senate. The majority has 51. There was a time, just a short time ago, when it was 50–50, and had it not been for the untimely death of Paul Wellstone it would be 50–50 now.

So we have a Senate that is so closely divided now, by the smallest of margins, but we all represent this country. Democrats, 49 of us, 51 Republicans, we all represent approaching 300 million people in addition to what we are obligated to do to represent our individual States.

While we recognize the right of the majority to set the agenda, we on the minority side also believe the rights of the minority shouldn't be trampled. That means not excluding us from conference committees.

David Broder, a long-time syndicated columnist who is nonpartisan and fair, recently wrote about the exclusion of Democrats from conference committees in Congress this year. He wrote:

These conferences are no longer the representative bodies they once were. Under the current Republican control of the House and Senate, Democrats are routinely excluded from the discussions after the ceremonial opening day. The real negotiations involve only top Republicans in Congress and representatives of the White House.

These conference committees have not only disregarded the views of Democratic Senators, but they have disregarded the views of the Senate itself.

On a number of issues, conferees appointed by the Senate leadership have gone against the will of this body.

Am I making things up? No. Let us talk about a few of them.

Media ownership: What is this all about? The decision was made in legislative session that you couldn't have more than a certain percentage of ownership of a media market by votes on both sides—House and Senate. In fact, when it went to the full committee when we were included in these meetings at that time, the full conference voted to maintain the position we had in the Senate. The conference committee was ended, and sure enough we get on the Senate floor and they have taken that out because the White House told them to. That has never been done before.

Another example, overtime pay. This was an issue where the administration wanted to change the way overtime is paid in this country. It affects 8 million people. On this side, we said it shouldn't be done. We voted accordingly and were joined by friends on the other side of the aisle. The House voted by a large majority to have their conferees do what the Senate did on this

vote. On the floor, it was stripped from the conference.

Pensions: Senator DASCHLE agreed to allow the conference to go forward. Of course, that didn't turn out as well as it was represented it would. That doesn't mean that everything should have gone exactly the way it came out of here. Of course not. But that is an example of what is happening in conferences.

Another example is an amendment we agreed to that said when you are buying meat you should know from where it comes. People are entitled to know that. Where is the beef that you are eating coming from? Both bodies said, yes, that is a great idea. In conference, it was taken from the bill.

The Senate voted for these things and the conferees disregarded the votes of the Senate—not individual Senators, they disregarded the voice of the American people. That is whom we represent.

We have to be able to work together for the good of the American people. That is what the people want us to do.

We have done very well this week. We were able to pass the FSC bill. It was a struggle. We got votes on overtime, on unemployment compensation, and we passed this most important bill. Tomorrow, we are going to pass the IDEA legislation which is very important. I hope tomorrow we can also get to the mental health parity legislation. It is my understanding that Senator DOMENICI has given his legislation to the chairman of the HELP Committee. Senator GREGG has that now, and hopefully we are in a position to have an agreement to work on this legislation in the near future.

We have to work together for the good of the people. I understand that being in the majority confers power, but with that power comes the responsibility to make sure the views of Senators are respected and the rights of the minority are not trampled.

We all have a responsibility to work together. But I believe those who control the agenda have the greatest duty to seek compromise and consensus. That is part of leadership. You have to know when to reach out and meet people at least halfway.

I think what we have heard around here far too often is obstructionism. I hope no one is deliberately trying to obstruct the business of our country. I don't think that is the case, but without compromise the Senate simply doesn't function.

President Gerald Ford—this nice man—was right. Compromise is the oil that keeps government running. But I believe that today our government needs an oil change and maybe even a lube job. We have to look under the hood and make the proper adjustments to get the engine running smoothly again in the Senate.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On October 7, 2001, in Palm Spring, CA, Eric Bridge told police he was robbed and beaten unconscious by four men who chased him from a downtown bar after accusing him of being gay and hurling anti-gay slurs at him. Bridge was treated for cuts and bruises at a local medical center and released. The victim said he was not gay but believes he was targeted based on perception.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. By passing this legislation and changing current law, we can change hearts and minds as well.

## THE JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

Mrs. FEINSTEIN. Mr. President, I rise in favor of the Jumpstart Our Business Strength (JOBS) Act.

This is far from a perfect bill.

But without this legislation, U.S. companies will face increasing tariffs as a result of a World Trade Organization ruling that determined that significant portions of our Federal tax code ran counter to international trade laws.

Additionally, I voted for it because on balance it provides important tax relief for California businesses and labor protections for California workers.

This bill will: effectively provide a 3 percent tax cut for manufacturers; give manufacturers a 50 percent tax credit for the cost of adding jobs; extend the research tax credit through 2005; protect hundreds of thousands of workers from cuts in Federal overtime protections; prevent the Federal Government from spending taxpayer dollars on contracts with companies that use foreign labor when there are domestic alternatives; provide a tax credit for companies which produce energy by using underbrush and other potentially hazardous fuels found in our forests; provide a tax credit for consumers who buy hybrid vehicles; and protect the California film industry and the jobs it creates.

Since January 2001, California has lost 350,000 manufacturing sector jobs.

A 3 percent tax cut for manufacturers, coupled with a 50 percent tax credit for the cost of adding new jobs, will help us create more jobs in California.

The research tax credit will also help California, potentially more than any